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VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: Public Service Commission Review of South Carolina Code of Regulations
Chapter 103 Pursuant to S.C. Code Ann. Section 1-23-120(J) – S.C. Code Ann.
Regs. 103-100 *et seq.* and 103-200 *et seq.*: Motor Carriers
Docket No. 2020-247-A

Dear Ms. Boyd:

This letter is in response to Item 7 of the comments submitted by Mr. Terreni regarding the acceptance of Acord (also spelled “Accord”) forms to satisfy S.C. Code Ann. Regs. 103-171 and 103-174. While ORS agrees with Mr. Terreni’s recommendation to delete the requirement in S.C. Code Ann. Regs. 103-178 for certificates to be submitted in triplicate, ORS opposes allowing Acord forms as evidence of coverage for the reasons discussed below.

Currently, S.C. Code Ann. Regs. 103-171 and 103-174 require Forms E, F, G, H, I, and J for proof of the various types of insurance coverage for motor vehicle carriers. Forms E and H are industry standard forms also required by other state agencies involved in regulating for hire motor carriers, including by the State Transport Police and the South Carolina Department of Motor Vehicles (“SCDMV”).¹ The forms currently used to verify insurance coverage constitute a certification directly from the insurance company that the motor vehicle carrier has obtained the minimum coverage required under South Carolina law. The forms are a necessary and important safeguard.

Acord forms, however, do not necessarily prove that a motor vehicle carrier has the required insurance coverage. Acord forms are not a certification by the insurance company that the motor carrier has the required coverage. Acord forms are not uniform and vary between

¹ See S.C. Code Ann. Regs. 38-413, 38-416, and South Carolina Department of Motor Vehicles Application for Certificate of Compliance for Operation of For-Hire Motor Vehicle Carriers. The latter SCDMV form specifically states that Accord Certificates of Insurance are not accepted.

insurance companies. Acceptance of Acord forms would place ORS in the position of attempting to interpret individual forms and determining whether the carrier has the appropriate coverage as opposed to the insurance company directly certifying that the appropriate coverage has been obtained.

ORS currently accepts Acord forms for Transportation Network Companies (“TNC”) only because there is no specification in the TNC Act regarding what is acceptable evidence for proof of insurance. When TNCs submit Acords, ORS analyzes each individual form. ORS often must rely on assistance from the insurance company or the Department of Insurance to determine whether the information contained within the Acord demonstrates that the carrier has obtained proper insurance. This is an involved process, but it is uncommon. ORS receives a handful of TNC applications per year, in comparison to hundreds of applications for motor vehicle carriers. Due to the volume of applications and the amount of time and effort required to analyze each individual Acord form, it would create a significant and undue administrative burden for ORS to accept Acord forms for motor vehicle carriers.

ORS appreciates the opportunity to offer these reply comments and to participate in the Commission’s June 18th workshop.

Sincerely,

/s/ Jenny Pittman

Jenny R. Pittman

cc: All Parties of Record (via e-mail)
David Butler, Esquire (via e-mail)